

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America, :
Plaintiff(s), :
vs. : Case Number: 1:09cr132
Marcus Sneed, : Chief Judge Susan J. Dlott
Defendant(s). :
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz filed on November 26, 2012 (Doc. 94), to whom this case was referred pursuant to 28 U.S.C. §636(b). Upon review of the Report and Recommendation, the Court hereby ADOPTS said Report and Recommendation.

Accordingly, defendants' § 2255 motion to vacate, set aside or correct a sentence is **GRANTED**. The final judgment in this case is **VACATED** and defendant is to be resentenced under the Fair Sentencing Act of 2010.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court